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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,498	07/16/2003	Michael Eckert	3053-046	9060

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,498	ECKERT, MICHAEL	
	Examiner	Art Unit	
	Hanh V. Tran	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 1/9/2006.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 13 of the "top and bottom edges each having a pin" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-26, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6, line 4, the limitation “each case being formed of a wall” is vague, thus indefinite for failing to clearly define how can a “case” can be formed of “a wall”. Claim 8, lines 2-3, the limitation “cases include a back wall with apertures and wherein said cases include hanging means to hang each case from said apertures” is vague, thus indefinite for failing to clearly define how it is possible for the back wall of a case having apertures and the case having hanging means to hang the case it self in its apertures. Claim 13, “and/or” is indefinite for failing to clearly define the metes and bounds of the claimed invention. Claim 13, lines 5-6, the limitation “said case being formed of a wall” is vague, thus indefinite for failing to clearly define how can a “case” can be formed of “a wall”. Claim 13, lines 11-12, from the brackets, it is not clear which language applicant intents to add or remove from the claim. Claim 13, lines 14-15, the limitation “said lock selectively extending between one of said top and bottom edges and said housing” is vague, thus indefinite for failing to clearly define how it is possible for a lock to extend between an edge and a housing. Claim 19, since claim 13 recited a “pin”, the recitation of “a tracking pin” in claim 19 renders the claimed indefinite for failing to clearly define whether this tracking pin is the same or different from the pin

Art Unit: 3637

recited in claim 13. Claim 25, line 1, "said said lock" should be "said lock". Claim 25, lines 1-2, the limitation "said lock includes a tongue, a first slot and a second slot" is vague, thus indefinite for failing to clearly define how it is possible for a lock (not a lock assembly/mechanism) to have "a tongue, a first slot and a second slot". Claim 26, it is not clear how slots are formed in an edge. Claim 28, it is not clear how a slot able to define an angle of about 180 degrees.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,547,273 to Hudnall in view of USP 4,124,262 to Schill.

Hudnall discloses a display case comprising all the elements recited in the above listed claims including a housing, a case being mounted in said housing and rotatable between an open position and a closed position, said case having a top and a bottom surface, a lock mounted on one of said housing and said case, and a removable shelf. The differences being that Hudnall does not disclose one of the top and bottom surfaces

Art Unit: 3637

including a pin, and a track formed in said housing defining said open and closed positions for said case, said pin extending into said track and riding along said track as said case is rotated.

Schill teaches the idea a display case comprising a housing, a case being mounted in said housing and rotatable between an open position and a closed position, said case having a top and a bottom surface, one of the top and bottom surfaces including a pin, and a track formed in said housing defining said open and closed positions for said case, said pin extending into said track and riding along said track as said case is rotated; wherein the pin and track facilitates pivotal movement of the case between the open and closed positions. Therefore, it would have been obvious to modify the structure of Hudnall by providing one of the top and bottom surfaces including a pin, and a track formed in said housing defining said open and closed positions for said case, said pin extending into said track and riding along said track as said case is rotated; wherein the pin and track facilitates pivotal movement of the case between the open and closed positions, as taught by Schill, since both teach alternate conventional pivotal cabinet housing, used for the same intended purpose of housing articles, thereby providing structure as claimed.

8. Claims 6-7, 12-13, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 234,461 to Dodge in view of US 2002/0000417 to Kidd et al.

Dodge discloses a display case comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a housing, a plurality of cases D, each case being formed of a wall with a front and a back opposed to said front, and

Art Unit: 3637

individually rotatable so that either the front or the back are selectively presented through a respective opening, a plurality of removable shelves D', angular limiting means for limiting the angular rotation of the device to about 180; wherein the rear surface of each case visible externally when the cases are in closed position, the rear surfaces being adapted to hold one of a decoration and an advertisement. The different being that Dodge does not disclose a plurality of locking members mounted on said housing, each locking member engaging a respective case in said open and closed positions, and said lock including a tongue selectively extending between one of said top and bottom edges and the housing.

Kidd et al teaches the idea of a display device comprising a housing, a plurality of cases 12, a plurality of locking members 56-59, such as shown in Figs 8-9, each locking member engaging a respective case 12 in the open and closed positions, including a tongue 58 selectively extending between one of said top and bottom edges and the housing; wherein the locking members allow the cases to be hold in either the open or closed positions. Therefore, it would have been obvious to modify the structure of Dodge by providing a plurality of locking members mounted on said housing, each locking member engaging a respective case in said open and closed positions, and said lock including a tongue selectively extending between one of said top and bottom edges and the housing in order to allow the cases to be hold in either the open or closed positions, as taught by Kidd et al, since both teach alternate conventional display device structure, used for the same intended purpose, thereby providing structure as claimed.

Art Unit: 3637

9. Claims 8-10, 14-16, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodge, as modified, as applied to claims 6 and 13 above, and further in view of USP 4,300,809 to Brownlee.

Dodge, as modified, discloses all the elements as discussed above including the shelves are partitioned into chambers, and comprises a box sized and shaped to hold a stack, said box having a front opening and a rear opening. The differences being that Dodge does not disclose the cases having a back wall with apertures and including hanging means to hang the shelves from said apertures.

Brownlee teaches the idea of a display device comprising a plurality of cases, a plurality of shelves, each case having a back wall with apertures and including hanging means to hang the shelves from said apertures, such as shown in Fig 14; wherein the apertures and hanging means provides a versatile display device. Therefore, it would have been obvious to modify the structure of Dodge, as modified, by providing the back wall of each case with apertures and including hanging means to hang the shelves from said apertures in order to provide a versatile display device, as taught by Brownlee, since both teach alternate conventional display device structure, used for the same intended purpose, thereby providing structure as claimed.

10. Claims 11, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodge, as modified, as applied to claims 6 and 13 above, and further in view of USP 4,844,564 to Price, Sr. et al.

Dodge, as modified, discloses all the elements as discussed above except for clips arranged to bias DVDs and tapes toward the front of the chambers, and the shelves are transparent.

Price, Sr. et al teaches the idea of a display case comprising a housing, a case 60, shelves 116 being partitioned into chambers, clips 350 (Fig 12) arranged to bias DVDs and tapes toward the front of the chambers in order to securely hold the tapes in the chambers, yet easy to remove. Therefore, it would have been obvious to modify the structure of Dodge, as modified, by providing the chambers with clips arranged to bias DVDs and tapes toward the front of the chambers in order to securely hold the tapes in the chambers, yet easy to remove, as taught by Price, Sr. et al, since both teach alternate conventional display case structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the shelves being transparent, the examiner takes the official notice that having shelves made out of a transparent material in order to provide viewing of content stored thereon is well known and well within the level of one skill in the art.

11. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodge, as modified, as applied to claim 13 above, and further in view of Schill.

Dodge, as modified, discloses all the elements as discussed above except for an angular limiting means for limiting the angular rotation of the device, said angular limiting means including a semicircular track formed in said housing and a track pin attached to one of said top and bottom edges and extending into said track.

Schill teaches the idea a display case comprising a housing, a case being mounted in said housing and rotatable between an open position and a closed position, said case having a top and a bottom surface, one of the top and bottom surfaces including a track pin, and a semicircular track formed in said housing defining said open and closed positions for said case, said track pin extending into said track and riding along said track as said case is rotated; wherein the pin and track facilitates pivotal movement of the case between the open and closed positions. Therefore, it would have been obvious to modify the structure of Dodge, as modified, by providing one of the top and bottom surfaces including a pin, a semicircular track, said pin extending into said track and riding along said track as said case is rotated; wherein the pin and track facilitates pivotal movement of the case between the open and closed positions, as taught by Schill, since both teach alternate conventional pivotal cabinet housing, used for the same intended purpose of housing articles, thereby providing structure as claimed.

Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*
April 3, 2006

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